

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 23, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRIAN EVANS,

Plaintiff,

v.

ANDAZ WAILEA RESORT & SPA,
HYATT HOTELS CORPORATION,
CHRISTINA FRY, and DOES 1-10,

Defendants.

No. 1:24-CV-3119-MKD

ORDER DENYING MOTION FOR
RECONSIDERATION

ECF No. 9

Before the Court is Plaintiff's Motion for Reconsideration. ECF No. 9. For the following reasons, the Court denies the motion.

"Reconsideration is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). "A district court may properly reconsider its decision if it '(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.'" *Smith v. Clark Cnty. Sch.*

1 *Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J, Multnomah*
2 *Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)).

3 Upon review of Plaintiff's motion, the Court concludes Plaintiff has failed to
4 satisfy any of the three grounds for reconsideration as outlined in *Smith*. The Court
5 also finds Plaintiff has not made a showing of his likelihood of success on the
6 merits of his claims.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Plaintiff's Motion for Reconsideration, **ECF No. 9**, is **DENIED**.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
10 Order and provide a copy to Plaintiff.

11 DATED August 23, 2024.

12 *s/Mary K. Dimke*
13 MARY K. DIMKE
14 UNITED STATES DISTRICT JUDGE
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